IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.878 OF 2007
IN
CRIMINAL APPLICATION NO.384 OF 2007
IN
CRIMINAL APPEAL NO.551 OF 2004

Vilas Tatoba Ghag ... Applicant

Vs.

State of Maharashtra ... Respondents

Mr. Shreeram Shirsat for the applicant

Dr. F.R. Shaikh, Addl. P.P. for the State.

CORAM : SMT. RANJANA DESAI &
SMT. ROSHAN DALVI, JJ.

DATED : AUGUST 2, 2007.

P.C.:-

1. The applicant has prayed for temporary bail on the ground that his wife is to be operated upon between 8/8/2007 and 10/8/2007. It appears that the abdominal hysterectomy operation is to be performed on her. To the application is annexed a certificate issued by Dr. Nimish J. Tutwala, attached to Sai Swayam Maternity & Nursing Home. The certificate states that the

operation is to be done in the first week of August, 2007 i.e. between 8/8/2007 and 10/8/2007. We find that on 12/4/2007, the applicant was released on temporary bail for two months for the same reason. However, during this period the operation was not performed. Today, the learned counsel for the applicant states that the operation could not be performed because the applicant's wife was suffering from Osteoarthritis. We are not happy with this explanation. Prima facie, we feel that within the period of two months, the operation could have been performed and Osteoarthritis can be no reason why the operation of this type should be postponed. We also find a certificate dated 19/6/2007 issued by Kurar Medical Centre which indicates that so far as the Knee Joint AP/Lateral views are concerned, medial joint compartment is narrowed but all other things are normal. In any case, in the interest of justice and having regard to the certificate issued by Dr. Tutwala that the operation will be done between 8/8/2007 and 10/8/2007, we direct that the applicant – Vilas Tatoba Ghag be released on temporary bail from 7/8/2007 to 15/8/2007. He shall surrender to the jail on 15/8/2007. We make it clear that

no further extension of bail period will be granted. While on bail the applicant shall report to Dindoshi Police Station on every alternate day except the day of operation. The applicant should be released on the same terms on which he was earlier released on bail by this court but on a fresh bond. Application is disposed of.

[SMT. RANJANA DESAI, J.]

[SMT. ROSHAN DALVI, J.]